

## REMARKS

Applicant hereby requests further consideration of the present application in view of the amendments above and the comments that follow. Claims 1-20 are pending in the application.

### I. Interview Summary

Applicant wishes to thank Examiner Treyger and Primary Examiner Leslie Deak for the personal interview with the undersigned, Applicant's attorney, at the USPTO on August 4, 2008. During the interview, Applicant discussed the structural differences between the device proposed by 3,374,790 to Mayhorn ("Mayhorn") and the instant invention. More particularly, Applicant submitted that a fair analogy of the two different types of devices is that while Mayhorn proposes a bulky maxi-pad type of urinary incontinence device, the instant invention is closer to a "thong" type urinary incontinence device that provides a less intrusive and less bulky configuration that can more reliably seal and can be worn under undergarments in a visually discreet manner. The strip can be flat and smooth and forms the seal. The labia majora is kept free and not pressed against by any portion of the device resulting in a more comfortable device with reduced movement and friction during activities by the user.

Applicant also noted that the European Patent Office has recently stated in a Communication under Rule 71(3) that it intends to grant a patent on this invention (and Mayhorn is of record in the corresponding European patent application). A copy of the Notice is attached for your ease of reference.

Primary Examiner Deak agreed with Applicant that Mayhorn requires the use of a relatively thick foam pad 28 (*see* Figures 3 and 4). Mayhorn describes a device that has a triangular sheet 20 and secured to the sheet is a flexible foamed plastic pad that surrounds the opening and goes from about 0.25 inches thick at one end to about 1 inch thick at the other

end (col. 2, lines 25-31). Mayhorn teaches away from a strip that does not employ intervening material, such as the foam pad, to seal against flesh surrounding the labia minora.

Primary Examiner Deak stated that the Section 102 rejections in the Final Office Action based on Mayhorn were to be rewritten instead as Section 103 rejections. Also, the Examiners agreed to enter an After Final Amendment that amends the claims to recite that the strip is elastic and contacts the user without any intervening material. These claim recitations were agreed to patentably define over Mayhorn, but the Examiners stated that a supplemental search may be carried out with respect to the amended claims.

Applicant also notes that Mayhorn states that the sheet 20 is a pliable foldable water imperious material such as polyethylene (col. 2, lines 24-25). A pliable sheet is a sheet that can be easily bent or shaped. Notably, such a sheet is not an elastic strip which can be stretched to conform to and seal against female anatomy. Mayhorn fails to teach or suggest a flexible elastic strip that directly seals against flesh surrounding the labia minora inside the folds of the labia majora.

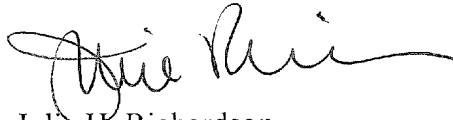
Applicant respectfully submits that these claim amendments are provided to clearly define over the prior art and remove the pending rejections based on Mayhorn to place the application in condition for allowance. However, Applicant respectfully submits that these claim amendments are without prejudice to future applications that may be filed to further argue the obviousness of the claims over Mayhorn as Applicant strongly believes that there is no motivation to modify Mayhorn which clearly resides against legs of a user outside the folds of the labia majora to seal inside the labia majora against flesh surrounding the labia minora as provided by embodiments of the instant invention, absent the teachings of the instant invention.

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### CONCLUSION

Accordingly, Applicant submits that the present application is in condition for allowance and the same is earnestly solicited. The Examiner is encouraged to telephone the undersigned at 919-854-1400 for resolution of any outstanding issues.

Respectfully submitted,



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### CERTIFICATION OF TRANSMISSION

I hereby certify that this correspondence is being transmitted via the Office electronic filing system in accordance with § 1.6(a)(4) to the U.S. Patent and Trademark Office on August 8, 2008.

Signature: \_\_\_\_\_



Cara L. Rose